

IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.1170 OF 1998

The Commissioner of Income-tax,
Kolhapur .. Applicant.

V/s.
Shri Fuel Instruments & Engg.
Pvt.Ltd., Ichalkaranji .. Respondent.

Mr.Parag Vyas with Mr.Ashok Kotangale & Mr.A.S. Rao
for the applicant.

Mr.Pramod Vaidya i/b. S.N. Inamdar for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 18TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant.
The Tribunal has referred following question for the
opinion of this Court reading as under :-

Whether on the facts and in the circumstances of the
case, the Tribunal was right and justified in law in
coming to the conclusion that the word turnover for
the purpose of computation of deduction u/s.80HHC
should exclude the amount of sales tax and excise
duty ?

2. Both the learned counsel for the parties
fairly submits that the above question has already
been answered by the Division Bench of this Court in
the case of CIT V/s.Sudarshan Chemicals Ind.Ltd.
[(2000) 245 ITR 769 (Bom)] in favour of the assessee
and against the revenue. In this view of the matter,
question stands answered in affirmative for the
reasons stated in the case cited supra. Reference,
accordingly stands disposed of with no order as to
costs.

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